

In the Claims:

Withdraw claims 13 and 14 respectively, without prejudice, from the instant application;

Retain claim 12 as a presently pending claim; and

Amend claim 11 to recite the language presented below.

Also, in accordance with the requirements of the revised amendment format for 37 C.F.R. 1.121 (as published in the *Official Gazette* on February 25, 2003), applicants present below the text of all the presently pending claims in the instant application. Accordingly, the full text for each of claims 11-14 respectively is set forth below.

In addition, in view of the explicit holdings rendered by the U.S. Supreme Court in the *Festo* case recently decided on May 28, 2002 [*Festo Corp. v. Shoketsu Kinzoku Kabushiki Co. Ltd. et al.*, 62 U.S.P.Q.2d 1705 (2002)] concerning the applicability of the legal doctrine of equivalents to amended claim language, applicants now present a formal attestation and affirmation of their legal position and substantive rights: Applicants do not now surrender for any reason, nor have previously surrendered at any time or for any reason during the prosecution of the instant application, any inventive subject matter which is or could be expected to be a particular equivalent of the invention defined by the language of the amended claims

then pending by a person ordinarily skilled in this art; and that no presumption of estoppel, either in law or equity, exists or pertains now or at any time previously as a potential bar to the application of the doctrine of equivalence for any and all possible embodiments which may be found to be encompassed now or in the future by the language of the amended claims proffered now or at any time previously for examination to the U.S. Patent Office. Accordingly, applicants affirmatively rebut and explicitly dispute any presumption that the doctrine of equivalence for the language of the amended claims has been surrendered or is not in full force for any reason and at any time during the prosecution for any and all amended claims prosecuted for the instant application.

Accordingly, the language of dependent claim 12 and of amended independent claim 11 now pending are now offered for review under the circumstances stated above, the language of these claims being presented on the immediately following page.

11. (Currently Amended): A family of PR-39 derived oligopeptides whose members individually cause [an alteration in] a selective inhibition of proteasome-mediated degradation for [of] at least one identifiable peptide in-situ after introduction intracellularly to a viable cell, each member of said PR-39 derived oligopeptide family:

being a peptide less than 26 amino acid residues in length;

having a N-terminal amino acid residue sequence which begins with Arg-Arg-Arg;

being [is] a peptide which is devoid of the amino acid residue sequences Pro-Pro-X-X-Pro-Pro-X-X-Pro and Pro-Pro-X-X-X-Pro-Pro-X-X-Pro where X is any amino acid;

being [is] able to interact in-situ with such proteasomes as are present within the cytoplasm of the cell; and

being [is] able to alter markedly the proteolytic degradation of at least one identifiable peptide mediated by said interacting proteasomes such that an increased expression of said identifiable peptide occurs in-situ.

12. (Original): The PR-39 derived oligopeptide family as recited in claim 11 whose membership includes a peptide comprised of 15 amino acid residues whose sequence is Arg-Arg-Arg-Pro-Arg-Pro-Pro-Tyr-Leu-Pro-Arg-Pro-Arg-Pro-Pro.

13. (Withdrawn): The PR-39 derived oligopeptide family as recited in claim 11 whose membership includes a peptide comprised of 11 amino acid residues whose sequence is Arg-Arg-Arg-Pro-Arg-Pro-Pro-Tyr-Leu-Pro-Arg.

14. (Withdrawn): The PR-39 derived oligopeptide family as recited in claim 11 whose membership includes a peptide comprised of 8 amino acid residues whose sequence is Arg-Arg-Arg-Pro-Arg-Pro-Pro-Tyr.